

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALEXANDER JOSEPH FERRIS,

Plaintiff,

v.

Case No. 19-cv-950-pp

ONEIDA COUNTY JAIL, *et al.*,

Defendant.

**ORDER DISMISSING CASE FOR PLAINTIFF'S FAILURE TO DILIGENTLY
PROSECURE HIS LAWSUIT**

Plaintiff Alexander Joseph Ferris is representing himself in this 42 U.S.C. §1983 lawsuit. He filed his complaint on June 28, 2019. Dkt. No. 1. Along with his complaint, the plaintiff filed a motion to proceed without prepaying the filing fee. Dkt. No. 2. Under the Prisoner Litigation Reform Act ("PLRA"), inmates asking to proceed without prepaying the filing fee must file a certified trust account statement for the six-month period preceding the month in which they file their lawsuit. 28 U.S.C. §1915(a)(2). This allows the court to calculate an initial partial fee, which the law requires prisoner plaintiffs to pay as a condition of proceeding without prepaying the entire filing fee. 28 U.S.C. §1915(b). The plaintiff didn't file a trust account statement along with his complaint; the clerk's office sent him a reminder to do so, and on July 11, 2019, he filed an inmate history report reflecting transactions between February 20, 2019 and July 5, 2019. Dkt. No. 6. Because the law requires an incarcerated plaintiff to provide information about his account activity for the

six-month period *preceding* the month in which he filed his complaint, the plaintiff needed to provide a statement that covered the period from December 2018 through May 2019, so the clerk's office sent him a letter, instructing him to provide the missing information within twenty-one days—that is, by August 8, 2019 or so. Dkt. No. 7. On July 23, 2019—five days after the clerk's office sent the letter—the court received from the plaintiff a demand for a jury trial, dkt. no. 8, and a completed magistrate judge consent form, dkt. no. 9, but not the requested trust account information.

On August 27, 2019, Magistrate Judge Nancy Joseph (to whom this case was assigned at the time) issued an order giving the plaintiff another chance to submit a complete certified trust account statement or explain why he could not do so. Dkt. No. 10. Judge Joseph gave the plaintiff a deadline of September 5, 2019 to send the court his statement or explain why he could not do so. The order was addressed to the plaintiff at the Onieda County Jail. Id.

When the September 5 deadline passed without the court receiving the trust account information, court staff investigated and learned that the plaintiff had been transferred to the Racine Youthful Offender Correctional Facility, on July 30, 2019. Wisconsin Department of Corrections Inmate Locator, available at <https://appsdoc.wi.gov/lop/detail.do>. According to the inmate locator, the plaintiff has been housed there since. Because it seemed likely that the plaintiff had not received the first show-cause order, Judge Joseph issued a second show cause order. This time, she gave the plaintiff a deadline of October 22,

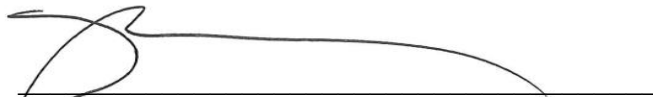
2019 by which to provide the court with the missing trust account information.
Dkt. No. 11.

Over a month has passed since that deadline expired, and the plaintiff has not submitted the required trust account statement. He has not communicated with the court in any way since July of this year. The court concludes that the plaintiff has failed to diligently pursue his case. The court will dismiss the case without prejudice under Civil Local Rule 41(c).

The court **DISMISSES** this case **WITHOUT PREJUDICE** for the plaintiff's failure to prosecute it under Civil L.R. 41(c). The court will enter judgment accordingly.

Dated in Milwaukee, Wisconsin, this 2nd day of December 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge